



**United States Department of Agriculture
Rural Development**

RD AN No. 4416 (1901-E)
January 21, 2009

SUBJECT: Racial and Ethnic Data Collection

TO: National Office Officials
Rural Development State Directors

ATTN: Rural Development Program Directors, State Civil Rights Managers and
Coordinators, Administrative Program Directors, and Management Control
Officers

FROM: Clyde Thompson *Clyde Thompson*
Deputy Administrator
Operations and Management

PURPOSE/INTENDED OUTCOME:

The purpose of this Administrative Notice (AN) is to explain the requirements for the collection of racial and ethnic data, and to address Recommendation Number 2 of the Civil Rights Staff Program Compliance (Title VI) Management Control Review conducted on the Community Facilities Program in Fiscal Year 2006.

COMPARISON WITH PREVIOUS AN:

There are no previous ANs regarding this subject.

IMPLEMENTATION RESPONSIBILITIES:

The U.S. Department of Agriculture's (USDA) non-discrimination policy states: "that no person shall be discriminated against on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs).

EXPIRATION DATE:
January 31, 2010

FILING INSTRUCTIONS:
Preceding RD Instruction 1901-E

1400 Independence Ave, SW • Washington, DC 20250-0700
Web: <http://www.rurdev.usda.gov>

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"USDA is an equal opportunity provider, employer and lender."
To file a complaint of discrimination write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W.,
Washington, DC 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TDD).

IMPLEMENTATION RESPONSIBILITIES (Cont.):

This policy will be communicated to the public through all appropriate USDA public information channels, in English or languages appropriate to the local population and in alternative means of communication (Braille, large print, audiotape, etc.).”

Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), Departmental Regulation 7 CFR Part 15.5(b) “Compliance Reports”, and RD Instruction 1901-E, § 1901.202(3) (g), entitled “Racial and Ethnic Data,” requires each recipient and sub-recipient to keep records and submit to the Agency, timely, complete, and accurate compliance reports containing racial and ethnic data showing the extent to which members of minority groups are beneficiaries of federally assisted programs.

Procedures for classification of race and ethnic data can be found in RD Instruction 1900-A, Race Classification and Coding Procedures.

Exemptions:

Indian Tribes:

The Native American Housing Assistance and Self Determination Act of 1996; the Indian Rights Act of 1968; and the Native American Housing Enhancement Act of 2005 exempts federally recognized Indian Tribes (including instrumentalities of such Indian Tribes); from the requirements to comply with Title VI of the Civil Rights Act of 1964, (Housing Only).

Public Bodies and Non Profit Organizations:

Collection of Racial and Ethnic Data is not required on entities such as public bodies and non profit organizations at the time of their request for loan or grant assistance. However, these entities are required to collect the racial and ethnic data on the beneficiaries they serve.

To comply with Departmental Regulation 7 CFR Part 15 and RD Instruction 1901-E, each State Director must notify recipients in writing, of their responsibility to comply with the above regulations.

If you have questions concerning this AN, please contact Mr. Carlton L. Lewis, Manager, Program Compliance Branch, Civil Rights Staff on (202) 692-0097 or (202) 692-0107 (TDD).

Sent by electronic mail on January 23, 2009 at 12:00pm by the Civil Rights Staff.
Rural Development State Directors should advise other personnel as appropriate.